

**REMARKS**

Claims 1-4, 6-8, 10-12, 14-17 and 20-22 are pending in this application. By this amendment, claims 1-4, 6-8, 10-12 and 14-17 are amended; claims 20-22 are added; and claims 5, 9, 13, 18 and 19 are canceled without prejudice to or disclaimer of the subject matter contained therein. No new matter is added. Reconsideration and allowance of this application are respectfully requested.

**ALLOWABLE SUBJECT MATTER**

Applicant appreciates the indication of allowable subject matter in claims 2-4, 8, 12-13 and 15-18 as being allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has amended claim 1 to include some of the allowable subject matter found in claim 2. Thus, claims 1, 10, 11, 14 and 20-22 are now in condition for allowance.

**OBJECTION TO THE DRAWINGS**

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a). Specifically, the Examiner indicated that the drawings must show every feature of the invention specified in the claims. Applicant has either removed the features in the claims and/or canceled the claims to obviate the objection. Withdrawal of the objection is respectfully requested.

**OBJECTION TO THE SPECIFICATION**

The Examiner has objected to the Abstract due to informalities. Applicant has separately attached an amended Abstract herewith, taken into consideration the Examiner's comments. Withdrawal of the objection is respectfully requested.

**CLAIM REJECTIONS- 35 U.S.C. § 112**

Claims 1-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has either amended or canceled the claims, taken into consideration the Examiner's remarks, to obviate the rejection. Withdrawal of the rejection is respectfully requested.

**EXAMPLE EMBODIMENTS OF THE PRESENT INVENTION**

Example embodiments of the present invention are directed to a tool for floor elements with groove and tongue joints having a cushion 10 and a striking tool 12. The cushion 10 may include an upper side 14 and a lower side 16, a first rectilinear resting long side 18, and an opposite second striking long side 20. The upper side may include an upward projecting first rod-shaped part 26 which may be connected to a second rod-shaped part 32 in a hinged joint 30. The second rod-shaped part 32 may include a free end portion 28 forming the striking tool 12 where by the rod-shaped parts may be formed to enable striking of the striking tool against the cushion by movement of the first rod-shaped part relative to the second rod-shaped part. As such, the example embodiments may provide a tool for enabling the performance of fitting groove and tongue joints in floor elements under suitable ergonomic conditions, and from all sides.

**CLAIM REJECTIONS-35 U.S.C. 102**

Claims 1, 5-7, 9-11, 14 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bracewell, US Patent 5,527,014. This rejection is respectfully traversed.

Initially, Applicant submits that the rejections to claims 5, 9 and 19 have been rendered moot as these claims have been cancelled.

Applicant submits that claim 1 is allowable as it includes some of the allowable subject matter of claim 2. Specifically, amended claim 1 recites "the upper side includes an upper projecting first rod-shaped part, which is connected to a second rod-shaped part in a hinged joint, the second rod-shaped part including a free end portion forming the striking tool, the rod-shaped parts being formed to enable striking of the striking tool against the cushion by movement of the first rod-shaped part relative to the second rod-shaped part" as recited in claim 1.

Bracewell is completely silent with regard to "a free end portion" of the second rod-shaped part, let alone, a second rod-shaped part.

Accordingly, Applicant respectfully submits that independent claim 1 is patentable over Bracewell for at least these reasons. Applicant further submit that dependent claims 6, 7, 10, 11, and 14 are allowable by virtue of their dependency on allowable independent claim 1, for at least the reasons set forth above. Withdrawal of the rejection is respectfully requested.

### CONCLUSION

In view of the above, Applicant earnestly solicits reconsideration and allowance of all of the pending claims.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) months extension of time for filing a reply to the Office Action and submit the required \$225.00 extension fee herewith.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By: \_\_\_\_\_

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